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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

OCT 4 2001

REPLY TO THE ATTENTION OF:  
Lockformer Site

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

SEE ATTACHED SERVICE LIST

Re: Lockformer Site

Dear Sir or Madam:

Enclosed please find a unilateral Administrative Order issued by the U.S. Environmental Protection Agency ("U.S. EPA") under Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"), 42 U.S.C. §9601, et seq.

Please note that the Order allows an opportunity for a conference if requested within 3 business days after issuance of the Order, or if no conference is requested, an opportunity to submit comments within 7 business days of issuance of the Order.

If you have any questions regarding the Order, feel free to contact Thomas Krueger, Assistant Regional Counsel, at (312) 886-0562 or Steven Faryan, On-Scene Coordinator, at (312) 353-9351.

Sincerely yours,

William E. Munro, Director  
Superfund Division

Enclosure

cc: Gary King  
Division of Land Pollution Control  
Illinois Environmental Protection Agency

Stan Komperda  
Stan Black  
Illinois Environmental Protection Agency

Khendra Pohn  
Illinois Attorney General's Office

Thomas Downing  
DuPage Attorney General's Office

Daniel Beiderman

SERVICE LIST FOR UNILATERAL ADMINISTRATIVE ORDER  
LOCKFORMER SITE

Lockformer Company  
711 West Ogden Avenue  
Lisle, IL 60532-1306

Met-Coil Systems Corporation  
5486 6th Street SW  
Cedar Rapids, Iowa 52404

bcc: Docket Analyst, ORC (C-14J)  
Tom Krueger, ORC (C-14J)  
Steve Faryan, (SE-5J)  
John Maritote, EESS (SE-5J)  
Carol Ropski, EESS (SE-5J)  
Fushi Cai, EESS (SE-5J)  
Denise Battaglia, Public Affairs (P-19J) w/out attachments  
Michael T. Chezik, Department of Interior  
Tony Audia, PAAS (MF-10J)  
Records Center (SMR-7J)  
ERB Read File

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 5

IN THE MATTER OF: ) Docket No. **V-W- '02-C-665**  
)  
)  
LOCKFORMER SITE ) ADMINISTRATIVE ORDER  
) PURSUANT TO SECTION 106(a)  
) OF THE COMPREHENSIVE  
) ENVIRONMENTAL RESPONSE,  
Respondents: ) COMPENSATION, AND  
) LIABILITY ACT OF 1980,  
LOCKFORMER COMPANY ) AS AMENDED, 42 U.S.C.  
MET-COIL SYSTEMS CORPORATION ) §9606(a)  
)

**I. JURISDICTION AND GENERAL PROVISIONS**

This Order is issued pursuant to the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §9606(a), and delegated to the Administrator of the United States Environmental Protection Agency ("U.S. EPA") by Executive Order No. 12580, January 23, 1987, 52 Federal Register 2923, and further delegated to the Regional Administrators by U.S. EPA Delegation Nos. 14-14-A and 14-14-B, and to the Director, Superfund Division, Region 5, by Regional Delegation Nos. 14-14-A and 14-14-B.

This Order pertains to property located at 711 Ogden Avenue, Lisle, DuPage County, Illinois ("Lockformer Site" or the "Site"). This Order requires the Respondents to conduct removal activities described herein to abate an imminent and substantial endangerment to the public health, welfare or the environment that may be presented by the actual or threatened release of hazardous substances at or from the Site.

U.S. EPA has notified the State of Illinois of this action pursuant to Section 106(a) of CERCLA, 42 U.S.C. §9606(a).

**II. PARTIES BOUND**

This Order applies to and is binding upon Respondents and Respondents', receivers, trustees, successors and assigns. Any change in ownership or corporate status of Respondents including, but not limited to, any transfer of assets or real or personal

property shall not alter such Respondents' responsibilities under this Order.

Respondents shall ensure that their contractors, subcontractors, and representatives comply with this Order. Respondents shall be responsible for any noncompliance. Respondents are jointly and severally liable for carrying out all activities required by this Order. Compliance or noncompliance by one or more Respondents with any provision of this Order shall not excuse or justify noncompliance by any other Respondent.

### **III. FINDINGS OF FACT**

Based on available information, including the Administrative Record in this matter, U.S. EPA hereby finds that:

1. The Lockformer Site (Site) is located at 711 West Ogden Avenue, Lisle, DuPage County, Illinois, and is generally depicted in the map appended as Attachment A. The Site is located in a mixed industrial/residential area on the south side of Ogden Avenue, west of Interstate 355. A residential subdivision is located to the north of Ogden Avenue. A car dealership is located to the east. Southeast of the Site are an undeveloped, wooded parcel and single family homes. Southwest of the Site are the Burlington Northern railroad and right-of-way, and St. Joseph's Creek. On the western boundary is a multi-unit commercial building.
2. The current legal owner and operator at the Site is Lockformer Company (Lockformer). Lockformer Company is a wholly owned subsidiary of Metcoil Systems Corporation. In June of 2000, Mestek, Inc. purchased Metcoil and thereby owns and operates both Lockformer and Metcoil.
3. The Site consists of a one-story metal fabricating plant and associated office space and land where releases have occurred and contamination has come to be located. Lockformer manufactures parts and equipment for the metal fabricating business. Lockformer's metal fabrication processes involve the use of a trichloroethylene (TCE) vapor degreaser located inside the building in a degreaser tank and pit. From approximately 1970 to 1992, the degreaser pit drew its TCE from a 500-gallon storage tank located on the roof of the facility. Degreaser spills occurred at the Site during delivery of TCE to the TCE storage tank. The tank was filled at regular intervals via a refilling line which extends down the west side of the facility.

4. Contaminated soil was first discovered at the Site in the fall of 1991, during underground utility (water line) repair work conducted on the west side of the building. In 1992, Lockformer conducted soil sampling and detected TCE at concentrations as high as 680,000 parts per billion (ppb) in soil at the Site. Additional soil and groundwater samples collected in 1995 in the vicinity of the refilling line showed the presence of TCE at maximum concentrations of 960,000 ppb in soil. Lockformer conducted an additional assessment of TCE releases, and a report dated February 14, 1997, documents TCE contamination in on-Site groundwater monitoring wells at levels as high as 68,000 ppb. Technical reports prepared by Lockformer in 1997 and 1998 indicated that surface drainage is to the south and that the storm water drain terminated in a neighboring residential yard. The reports also concluded that TCE contamination at the Site had migrated downward and laterally to a sand layer impacting groundwater at of depth 56 feet.
5. On December 18, 19 and 20, 2000, the Illinois EPA (IEPA) collected samples from private wells at forty-eight (48) homes located near Front Street, which is located approximately 1,200 feet south of the Lockformer Site. Of the 48 private well water samples collected, 34 samples showed the presence of TCE, and nine showed the presence of TCE in excess of 5ppb. IEPA investigations determined that ground water flows from the Lockformer property toward the South /South East in the direction of a residential neighborhood. The contaminated wells are located in an unincorporated area. The unincorporated neighborhood is refusing annexation by neighboring Lisle which must annex it to connect it with a public water supply system.
6. On January 22, 2001, Lockformer entered into an agreed order with the State of Illinois. The agreed order requires Lockformer to among other things, conduct a Comprehensive Volatile Organic Compounds (VOC) Investigation and delineate the nature and extent of the contamination caused by the TCE spills at the Site, and to provide bottled water to the residents affected by the contaminated wells. Under that Order, Lockformer has been providing bottled water to potentially affected residences. Pursuant to the Agreed Order, well installation was initiated in June of 2001; soil sampling, sewer investigation and sampling, monitoring well installation are being conducted; and ground water elevations and additional data are being collected.

7. On March 13, 2001 the IEPA referred the site to U.S. EPA for a time-critical removal action to address source areas at the Site on an expedited basis.

#### IV. CONCLUSIONS OF LAW AND DETERMINATIONS

Based on the Findings of Fact set forth above, and the Administrative Record supporting these removal actions, U.S. EPA determines that:

1. The Lockformer Site is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. §9601(9).
2. Trichloroethylene (TCE) is a "hazardous substance" as defined by Section 101(14) of CERCLA, 42 U.S.C. §9601(14).
3. Each Respondent is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. §9601(21).
4. Respondents Lockformer Company and Met-Coil Systems Corporation are the present "owners" and "operators" of the Lockformer Site, as defined by Section 101(20) of CERCLA, 42 U.S.C. §9601(20). Respondents Lockformer Company and Met-Coil Systems are either persons who at the time of disposal of any hazardous substances owned or operated the Lockformer Site, or who arranged for disposal or transport for disposal of hazardous substances at the Lockformer Site. Respondents are therefore liable persons under Section 107(a) of CERCLA, 42 U.S.C. §9607(a).
5. The conditions described in the Findings of Fact above constitute an actual or threatened "release" into the "environment" as defined by Sections 101(8) and (22) of CERCLA, 42 U.S.C. §§9601(8) and (22).
6. The conditions present at the Site constitute a threat to public health, welfare, or the environment based upon the factors set forth in Section 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan, as amended ("NCP"), 40 CFR Part 300. These factors include, but are not limited to, the following:
  - a. Actual or potential contamination of drinking water supplies or sensitive ecosystems; this factor is present at the Site due to the existence of high levels of TCE in the surface and subsurface soils and groundwater. Studies conducted by Lockformer have



documented that TCE contamination is migrating vertically and horizontally toward the sand and gravel deposits and ultimately to the bedrock aquifer. Sampling by IEPA from private wells and monitoring wells found levels of TCE above the Maximum Contaminant Level (MCL) of 5 ppb. IEPA investigations determined that ground water flows from the Lockformer property toward the South /South East in the direction of a residential neighborhood.

- b. High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate; this factor is present at the Site due to the existence of very high levels of TCE that have been documented to be released to the soil and ground water. The TCE in the surface soil and subsurface soil is an ongoing source of groundwater contamination which is migrating vertically and horizontally and will continue to migrate to the bedrock aquifer causing further ground water contamination.
- c. Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released; this factor is present at the Site due to the existence of documented concentrations of TCE in the soil and ground water on site that has been shown to be migrating. The ground water flow in the area has been shown to be toward the South/South East and continuing precipitation and percolation of storm water will continue to cause the TCE to migrate toward the bedrock aquifer which flows to the residential wells.
- d. The unavailability of other appropriate federal or state response mechanisms to respond to the release; this factor supports the actions required by this Order at the Site because IEPA requested U.S. EPA's assistance to conduct a removal action to expedite removal of contaminated source areas at the Lockformer facility. The IEPA will continue to oversee private well sampling and investigation of the TCE ground water contamination in Lisle and coordinate the groundwater investigation and cleanup under its agreed order with Lockformer.

7. The actual or threatened release of hazardous substances from the Site may present an imminent and substantial endangerment to the public health, welfare, or the environment within the meaning

of Section 106(a) of CERCLA, 42 U.S.C. §9606(a).

8. The removal actions required by this Order are necessary to protect the public health, welfare, or the environment, and are not inconsistent with the NCP and CERCLA.

#### V. ORDER

Based upon the foregoing Findings of Fact, Conclusions of Law, Determinations, and the Administrative Record for this Site, U.S. EPA hereby orders that Respondents perform the following actions:

1. Notice of Intent to Comply

Respondents shall notify U.S. EPA in writing within 3 business days after the effective date of this Order of Respondents' irrevocable intent to comply with this Order. Failure of each Respondent to provide such notification within this time period shall be a violation of this Order.

2. Designation of Contractor, Project Coordinator, and On-Scene Coordinator

Respondents shall perform the removal actions itself or retain a contractor to implement the removal actions. Respondents shall notify U.S. EPA of Respondents' qualifications or the name and qualifications of such contractor, whichever is applicable, within 5 business days of the effective date of this Order. Respondents shall also notify U.S. EPA of the name and qualifications of any other contractors or subcontractors retained to perform work under this Order at least 5 business days prior to commencement of such work. U.S. EPA retains the right to disapprove of the Respondents or any of the contractors and/or subcontractors retained by the Respondents. If U.S. EPA disapproves a selected contractor, Respondents shall retain a different contractor within 2 business days following U.S. EPA's disapproval and shall notify U.S. EPA of that contractor's name and qualifications within 3 business days of U.S. EPA's disapproval.

Within 5 business days after the effective date of this Order, the Respondents shall designate a Project Coordinator who shall be responsible for administration of all the Respondents' actions required by the Order and submit the designated coordinator's name, address, telephone number, and qualifications to U.S. EPA. To the greatest extent possible, the Project Coordinator shall be present on-site or readily available during site work. U.S. EPA

retains the right to disapprove of any Project Coordinator named by the Respondents. If U.S. EPA disapproves a selected Project Coordinator, Respondents shall retain a different Project Coordinator within 3 business days following U.S. EPA's disapproval and shall notify U.S. EPA of that person's name and qualifications within 4 business days of U.S. EPA's disapproval. Receipt by Respondents' Project Coordinator of any notice or communication from U.S. EPA relating to this Order shall constitute receipt by Respondents.

The U.S. EPA has designated Steven Faryan of the Emergency Response Branch, Region 5, as its On-Scene Coordinator ("OSC"). Respondents shall direct all submissions required by this Order to the OSC at 77 West Jackson Boulevard, SE-5J, Chicago, Illinois, 60604-3590, by certified or express mail. Respondents shall also send a copy of all submissions to Thomas Krueger, Assistant Regional Counsel, 77 West Jackson Boulevard, C-14J, Chicago, Illinois, 60604-3590. All Respondents are encouraged to make their submissions to U.S. EPA on recycled paper (which includes significant postconsumer waste paper content where possible) and using two-sided copies.

### 3. Work to Be Performed

Respondents shall perform, at a minimum, the following response activities:

- a. assessing and mitigating the documented threats posed by contaminants found at the Lockformer Site, including an Extent of Contamination investigation to assess the vertical and horizontal migration of the identified contaminants. The investigation shall be conducted to assess the known areas of contamination and to identify the outer limits of the contamination and shall include groundwater and soil. The Removal Action Work Plan shall also assess and mitigate other known storage or disposal areas or areas where releases occurred. These include the degreaser pit area, associated pipes and drains, building sewers and sumps, the building's roof, down spouts, storm sewers and head walls, and any other indoor or outdoor drum or tank storage area. The staged pile of fill at the south end of the building shall be sampled and characterized for disposal. A ground water assessment and investigation shall be conducted in the general area to determine groundwater flow and concentrations of contaminants in the monitoring wells and drinking water wells.

- b. Controlling access to portions of the property where contaminants have been detected or are known to be disposed to prevent exposure to workers, the public entering the facility, and to neighboring residents. This shall include fencing, tarping, or placing of contaminated materials in containers. Portions of the parking lot may have to be relocated to allow for excavation, treatment and backfilling;
- c. Taking necessary actions to prevent and control migration of contaminants into the ground water, soil, sewers, roadways, neighboring residences, and the St. Joseph's Creek;
- d. After delineating the vertical and horizontal extent of contamination; removing, treating, and properly disposing of all hazardous substances and contaminated materials at an approved facility which is in compliance with the CERCLA Off-Site Rule, and backfilling all areas with clean fill to the pre-existing grade;
- e. Decontaminating, removing, and disposing of all tanks, scrap metal, equipment, sumps, sewers, building floors, walls, or roof which have come into contact with or which have been used to store, treat, or process any of the identified contaminants; and
- f. Implementing a Confirmation Sampling Plan to determine if appropriate clean-up standards have been met. The plan shall provide for sampling of soil, ground water, surface water, metal and concrete floors, walls and roofing material.

### 3.1 Work Plan and Implementation

Within 10 business days after the effective date of this Order, the Respondents shall submit to U.S. EPA for approval a draft Work Plan for performing the removal activities set forth above. The draft Work Plan shall provide a description of, and an expeditious schedule for, the activities required by this Order.

U.S. EPA may approve, disapprove, require revisions to, or modify the draft Work Plan. If U.S. EPA requires revisions, Respondents shall submit a revised draft Work Plan within 7 business days of notification. Respondents shall implement the Work Plan as finally approved in writing by U.S. EPA in accordance with the schedule approved by U.S. EPA. Once approved, or approved with

modifications, the Work Plan, the schedule, and any subsequent modifications shall be fully enforceable under this Order. Respondents shall notify U.S. EPA at least 48 hours prior to performing any on-site work pursuant to the U.S. EPA approved Work Plan.

Respondents shall not commence or undertake any removal actions at the Site without prior U.S. EPA approval.

### 3.2 Health and Safety Plan

Within 10 business days after the effective date of this Order, the Respondents shall submit a plan for U.S. EPA review and comment that ensures the protection of the public health and safety during performance of on-site work under this Order. This plan shall comply with applicable Occupational Safety and Health Administration ("OSHA") regulations found at 29 CFR Part 1910. If U.S. EPA determines it is appropriate, the plan shall also include contingency planning. Respondents shall incorporate all changes to the plan recommended by U.S. EPA, and implement the plan during the pendency of the removal action.

### 3.3 Quality Assurance and Sampling

All sampling and analyses performed pursuant to this Order shall conform to U.S. EPA direction, approval, and guidance regarding sampling, quality assurance/quality control ("QA/QC"), data validation, and chain of custody procedures. Respondents shall ensure that the laboratory used to perform the analyses participates in a QA/QC program that complies with U.S. EPA guidance. Upon request by U.S. EPA, Respondents shall have such a laboratory analyze samples submitted by U.S. EPA for quality assurance monitoring. Respondents shall provide to U.S. EPA the quality assurance/quality control procedures followed by all sampling teams and laboratories performing data collection and/or analysis. Respondents shall also ensure provision of analytical tracking information consistent with OSWER Directive No. 9240.0-2B, "Extending the Tracking of Analytical Services to PRP-Lead Superfund Sites."

Upon request by U.S. EPA, Respondents shall allow U.S. EPA or its authorized representatives to take split and/or duplicate samples of any samples collected by Respondents or their contractors or agents while performing work under this Order. Respondents shall notify U.S. EPA not less than 3 business days in advance of any sample collection activity. U.S. EPA shall have the right to take any additional samples that it deems necessary.

### 3.4 Reporting

Respondents shall submit a monthly written progress report to U.S. EPA concerning activities undertaken pursuant to this Order, beginning 30 calendar days after the date of U.S. EPA's approval of the Work Plan, until termination of this Order, unless otherwise directed by the OSC. These reports shall describe all significant developments during the preceding period, including the work performed and any problems encountered, analytical data received during the reporting period, and developments anticipated during the next reporting period, including a schedule of work to be performed, anticipated problems, and planned resolutions of past or anticipated problems.

Any Respondent that owns any portion of the Site, and any successor in title shall, at least 30 days prior to the conveyance of any interest in real property at the Site, give written notice of this Order to the transferee and written notice of the proposed conveyance to U.S. EPA and the State. The notice to U.S. EPA and the State shall include the name and address of the transferee. The party conveying such an interest shall require that the transferee will provide access as described in Section V.4 (Access to Property and Information).

### 3.5 Final Report

Within 60 calendar days after completion of all removal actions required under this Order, the Respondents shall submit for U.S. EPA review a final report summarizing the actions taken to comply with this Order. The final report shall conform to the requirements set forth in Section 300.165 of the NCP. The final report shall also include a good faith estimate of total costs incurred in complying with the Order, a listing of quantities and types of materials removed, a discussion of removal and disposal options considered for those materials, a listing of the ultimate destinations of those materials, a presentation of the analytical results of all sampling and analyses performed, and accompanying appendices containing all relevant documentation generated during the removal action (e.g., manifests, invoices, bills, contracts, and permits).

The final report shall also include the following certification signed by a person who supervised or directed the preparation of that report:

Under penalty of law, I certify that, to the best of my knowledge, after appropriate inquiries of all relevant persons involved in the preparation

of this report, the information submitted is true, accurate, and complete.

#### 4. Access to Property and Information

Respondents shall provide or obtain access as necessary to the Site and all appropriate off-site areas, and shall provide access to all records and documentation related to the conditions at the Site and the activities conducted pursuant to this Order. Such access shall be provided to U.S. EPA employees, contractors, agents, consultants, designees, representatives, and State of Illinois representatives. These individuals shall be permitted to move freely at the Site and appropriate off-site areas in order to conduct activities which U.S. EPA determines to be necessary. Respondents shall submit to U.S. EPA, upon request, the results of all sampling or tests and all other data generated by Respondents or their contractor, or on the Respondents' behalf during implementation of this Order.

Where work under this Order is to be performed in areas owned by or in possession of someone other than Respondents, Respondents shall obtain all necessary access agreements within 14 calendar days after the effective date of this Order, or as otherwise specified in writing by the OSC. Respondents shall immediately notify U.S. EPA if, after using its best efforts, it is unable to obtain such agreements. Respondents shall describe in writing their efforts to obtain access. U.S. EPA may then assist Respondents in gaining access, to the extent necessary to effectuate the response activities described herein, using such means as U.S. EPA deems appropriate.

#### 5. Record Retention, Documentation, Availability of Information

Respondents shall preserve all documents and information, in their possession or the possession of their contractors, subcontractors or representatives, relating to work performed under this Order, or relating to the hazardous substances found on or released from the Site, for six years following completion of the removal actions required by this Order. At the end of this six year period and at least 60 days before any document or information is destroyed, Respondents shall notify U.S. EPA that such documents and information are available to U.S. EPA for inspection, and upon request, shall provide the originals or copies of such documents and information to U.S. EPA. In addition, Respondents shall provide documents and information retained under this Section at any time before expiration of the six year period at the written request of U.S. EPA. Any information that Respondents are required to provide or maintain

pursuant to this Order is not subject to the Paperwork Reduction Act of 1995, 44 U.S.C. §3501 et seq.

6. Off-Site Shipments

All hazardous substances, pollutants or contaminants removed off-site pursuant to this Order for treatment, storage or disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by U.S. EPA, with the U.S. EPA Off-Site Rule, 40 CFR §300.440, 58 Fed. Reg. 49215 (Sept. 22, 1993).

7. Compliance With Other Laws

All actions required pursuant to this Order shall be performed in accordance with all applicable local, state, and federal laws and regulations except as provided in Section 121(e) of CERCLA and 40 CFR §300.415(j). In accordance with 40 CFR §300.415(j), all on-site actions required pursuant to this Order shall, to the extent practicable, as determined by U.S. EPA, considering the exigencies of the situation, attain applicable or relevant and appropriate requirements under federal environmental or state environmental or facility siting laws.

8. Emergency Response and Notification of Releases

If any incident, or change in Site conditions, during the activities conducted pursuant to this Order causes or threatens to cause an additional release of hazardous substances from the Site or an endangerment to the public health, welfare, or the environment, the Respondents shall immediately take all appropriate action to prevent, abate or minimize such release, or endangerment caused or threatened by the release. Respondents shall also immediately notify the OSC or, in the event of his unavailability, shall notify the Regional Duty Officer, Emergency Response Branch, Region 5 at (312) 353-2318, of the incident or Site conditions.

Respondents shall submit a written report to U.S. EPA within 7 business days after each release, setting forth the events that occurred and the measures taken or to be taken to mitigate any release or endangerment caused or threatened by the release and to prevent the reoccurrence of such a release. Respondents shall also comply with any other notification requirements, including those in Section 103 of CERCLA, 42 U.S.C. §9603, and Section 304 of the Emergency Planning and Community Right-To-Know Act, 42 U.S.C. §11004.



## **VI. AUTHORITY OF THE U.S. EPA ON-SCENE COORDINATOR**

The OSC shall be responsible for overseeing the implementation of this Order. The OSC shall have the authority vested in an OSC by the NCP, including the authority to halt, conduct, or direct any work required by this Order, or to direct any other response action undertaken by U.S. EPA or Respondents at the Site. Absence of the OSC from the Site shall not be cause for stoppage of work unless specifically directed by the OSC.

U.S. EPA and Respondents shall have the right to change their designated OSC or Project Coordinator. U.S. EPA shall notify the Respondents, and Respondents shall notify U.S. EPA, as early as possible before such a change is made, but in no case less than 24 hours before such a change. Notification may initially be made orally, but shall be followed promptly by written notice.

## **VII. PENALTIES FOR NONCOMPLIANCE**

Violation of any provision of this Order may subject Respondents to civil penalties of up to \$27,500 per violation per day, as provided in Section 106(b)(1) of CERCLA, 42 U.S.C. §9606(b)(1). Respondents may also be subject to punitive damages in an amount up to three times the amount of any cost incurred by the United States as a result of such violation, as provided in Section 107(c)(3) of CERCLA, 42 U.S.C. §9607(c)(3). Should Respondents violate this Order or any portion hereof, U.S. EPA may carry out the required actions unilaterally, pursuant to Section 104 of CERCLA, 42 U.S.C. §9604, and/or may seek judicial enforcement of this Order pursuant to Section 106 of CERCLA, 42 U.S.C. §9606.

## **VIII. REIMBURSEMENT OF COSTS**

Respondents shall reimburse U.S. EPA, upon written demand, for all response costs incurred by the United States in overseeing Respondents' implementation of the requirements of this Order. U.S. EPA may submit to Respondents on a periodic basis a bill for all response costs incurred by the United States with respect to this Order. U.S. EPA's Itemized Cost Summary, or such other summary as certified by U.S. EPA, shall serve as the basis for payment.

Respondents shall, within 30 days of receipt of the bill, remit a cashier's or certified check for the amount of those costs made payable to the "Hazardous Substance Superfund," to the following address:

U.S. Environmental Protection Agency  
Program Accounting & Analysis Section  
P.O. Box 70753  
Chicago, Illinois 60673

Respondents shall simultaneously transmit a copy of the check to the Director, Superfund Division, U.S. EPA Region 5, 77 West Jackson Blvd., Chicago, Illinois, 60604-3590. Payments shall be designated as "Response Costs - Lockformer Site" and shall reference the payer's name and address, the U.S. EPA site identification number B5Y5, and the docket number of this Order.

Interest at a rate established by the Department of the Treasury pursuant to 31 U.S.C. §3717 and 4 CFR §102.13 shall begin to accrue on the unpaid balance from the day after the expiration of the 30 day period notwithstanding any dispute or an objection to any portion of the costs.

#### **IX. RESERVATION OF RIGHTS**

Nothing herein shall limit the power and authority of U.S. EPA or the United States to take, direct, or order all actions necessary to protect public health, welfare, or the environment or to prevent, abate, or minimize an actual or threatened release of hazardous substances, pollutants or contaminants, or hazardous or solid waste on, at, or from the Site. Further, nothing herein shall prevent U.S. EPA from seeking legal or equitable relief to enforce the terms of this Order. U.S. EPA also reserves the right to take any other legal or equitable action as it deems appropriate and necessary, or to require the Respondents in the future to perform additional activities pursuant to CERCLA or any other applicable law.

#### **X. OTHER CLAIMS**

By issuance of this Order, the United States and U.S. EPA assume no liability for injuries or damages to persons or property resulting from any acts or omissions of Respondents. The United States or U.S. EPA shall not be a party or be held out as a party to any contract entered into by the Respondents or their directors, officers, employees, agents, successors, representatives, assigns, contractors, or consultants in carrying out activities pursuant to this Order. Each party shall bear its own costs and attorneys fees in connection with the action resolved by this Order.

This Order does not constitute a pre-authorization of funds under Section 111(a)(2) of CERCLA, 42 U.S.C. §9611(a)(2).

Nothing in this Order constitutes a satisfaction of or release from any claim or cause of action against the Respondents or any person not a party to this Order, for any liability such person may have under CERCLA, other statutes, or the common law, including but not limited to any claims of the United States for costs, damages and interest under Sections 106(a) or 107(a) of CERCLA, 42 U.S.C. §§9606(a), 9607(a).

#### **XI. MODIFICATIONS**

Modifications to any plan or schedule may be made in writing by the OSC or at the OSC's oral direction. If the OSC makes an oral modification, it will be memorialized in writing within 7 business days; however, the effective date of the modification shall be the date of the OSC's oral direction. The rest of the Order, or any other portion of the Order, may only be modified in writing by signature of the Director, Superfund Division, Region 5.

If Respondents seek permission to deviate from any approved plan or schedule, Respondents' Project Coordinator shall submit a written request to U.S. EPA for approval outlining the proposed modification and its basis.

No informal advice, guidance, suggestion, or comment by U.S. EPA regarding reports, plans, specifications, schedules, or any other writing submitted by the Respondents shall relieve Respondents of their obligations to obtain such formal approval as may be required by this Order, and to comply with all requirements of this Order unless it is formally modified.

#### **XII. NOTICE OF COMPLETION**

After submission of the Final Report, Respondents may request that U.S. EPA provide a Notice of Completion of the work required by this Order. If U.S. EPA determines, after U.S. EPA's review of the Final Report, that all work has been fully performed in accordance with this Order, except for certain continuing obligations required by this Order (e.g., record retention), U.S. EPA will provide written notice to the Respondents. If U.S. EPA determines that any removal activities have not been completed in accordance with this Order, U.S. EPA will notify the Respondents, provide a list of the deficiencies, and require that Respondents

modify the Work Plan to correct such deficiencies. The Respondents shall implement the modified and approved Work Plan and shall submit a modified Final Report in accordance with the U.S. EPA notice. Failure to implement the approved modified Work Plan shall be a violation of this Order.

#### **XIII. ACCESS TO ADMINISTRATIVE RECORD**

The Administrative Record supporting these removal actions is available for review during normal business hours in the U.S. EPA Record Center, Region 5, 77 W. Jackson Blvd., Seventh Floor, Chicago, Illinois. Respondents may contact Thomas Krueger, Assistant Regional Counsel, at (312) 886-0562 to arrange to review the Administrative Record. An index of the Administrative Record is attached to this Order.

#### **XIV. OPPORTUNITY TO CONFER**

Within 3 business days after issuance of this Order, Respondents may request a conference with U.S. EPA. Any such conference shall be held within 5 business days from the date of the request, unless extended by agreement of the parties. At any conference held pursuant to the request, Respondents may appear in person or be represented by an attorney or other representative.

If a conference is held, Respondents may present any information, arguments or comments regarding this Order. Regardless of whether a conference is held, Respondents may submit any information, arguments or comments (including justifications for any assertions that the Order should be withdrawn against a Respondent), in writing to U.S. EPA within 2 business days following the conference, or within 7 business days of issuance of the Order if no conference is requested. This conference is not an evidentiary hearing, does not constitute a proceeding to challenge this Order, and does not give Respondents a right to seek review of this Order. Requests for a conference shall be directed to Thomas Krueger, Assistant Regional Counsel, at (312) 886-0562. Written submittals shall be directed as specified in Section V.2 of this Order.

#### **XV. SEVERABILITY**

If a court issues an order that invalidates any provision of this Order or finds that Respondents have sufficient cause not to

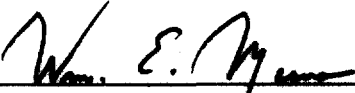
comply with one or more provisions of this Order, Respondents shall remain bound to comply with all provisions of this Order not invalidated by the court's order.

**XVI. EFFECTIVE DATE**

This Order shall be effective 10 business days following issuance unless a conference is requested as provided herein. If a conference is requested, this Order shall be effective 5 business days after the day of the conference.

IT IS SO ORDERED

BY: \_\_\_\_\_

  
William E. Muno, Director  
Superfund Division  
United States  
Environmental Protection Agency  
Region 5

DATE: 10/4/01

ATTACHMENT A

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REMOVAL ACTION

ADMINISTRATIVE RECORD  
FOR  
LOCKFORMER COMPANY SITE  
LISLE, DUPAGE COUNTY, ILLINOIS

ORIGINAL  
OCTOBER 4, 2001

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	06/10/92	STS Consultants, Inc.	Seyfarth, Shaw, Fairweather & Geraldson	Report: Draft Preliminary Exploration of TCE Release at the Lockformer Company Plant	30
2	05/25/95	Newlin, S. & R. Berggreen, STS Consultants, Inc.	Szklany, A., The Lockformer Company	Letter re: Data Collected from the Remedial Investi- gation at the Lockformer Company Site	47
3	02/14/97	STS Consultants, Ltd.	The Lockformer Company	Report: Additional Assessment of TCE Release for the Lockformer Facility	84
4	04/01/97	Environmental Associated Services & Engineering, Inc.	Hinshaw & Culbertson	Revised Phase I Environ- mental Site Assessment for Undeveloped Land at 711 Ogden Avenue in Lisle, IL	13
5	02/24/98	STS Consultants, Inc.	The Lockformer Company	Report: Draft Focused Site Investigation and Remedial Objectives for the Lockformer Facility	44
6	01/22/99	Meagher, L., Carlson Environmental, Inc.	Cummings, M., Illinois EPA	Letter re: Revised Proposal for Additional Subsurface Soil and Ground Water Investigation at the Lockformer Company Site w/ Attachments	26
7	03/15/99	Meagher, L., Carlson Environmental, Inc.	Cummings, M., Illinois EPA	Letter re: Draft Sub- surface Soil and Ground Water Investigation Results for the Lockformer Company Site w/ Attachments	22

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
8	09/15/99	Meagher, L., Carlson Environmental, Inc.	Wroble, L., Lisle Resident	Letter re: Analytical Results for Water Samples Collected from Three Sites in Lisle and the Draft Subsurface Soil and Ground Water Investigation Results for the Lockformer Company Site w/ Attachments	30
9	10/15/99	Garske, E., Carlson Environmental, Inc.	Cummings, M., Illinois EPA	Letter re: Additional Actions Required to Obtain a No Further Remediation (NFR) Letter for the Lockformer Company Site	34
10	07/27/00	Doerr, C., Village of Lisle	Biederman, D., Law Offices of Chuhak & Tecson	Letter re: Ground Water Ordinance Request for the Lockformer Company Site w/ Attachments	68
11	01/22/01	Circuit Court for Eighteenth Judicial District/ DuPage County	Respondents	Agreed Order for Immediate and Preliminary Injunction With Defendant Lockformer re: the Lockformer Company Site	13
12	03/13/01	Illinois EPA	Bolen, B., U.S. EPA	Letter re: Illinois EPA's Request for the Assignment of an On-Scene Coordinator for the Lockformer Company Site	1
13	03/26/01	Clayton Group Services	U.S. EPA	Comprehensive VOC Inves- tigation Work Plan for the Lockformer Company Site	59
14	07/00/01	U.S. EPA/ ESD	U.S. EPA	Historical Aerial Photo- graphic Analysis for the Lockformer Site w/ Cover Letter	42
15	08/24/01	Clayton Group Services	U.S. EPA	Removal Action Work Plan for the Lockformer Company Site	101
16	09/05/01	Johnson, M., Department of Health and Human Services/ PHS/ATSDR	Faryan, S., U.S. EPA	Initial Release Public Health Assessment for the Lockformer Company w/ Cover Letter	15

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
17	00/00/00	Circuit Court for Eighteenth Judicial District/ DuPage County	Respondents	Verified Complaint for Injunction and Civil Penalties re: the Lock- former Company Site (UNSIGNED)	15
18	10/04/01	Faryan, S., U.S. EPA	Muno, W., U.S. EPA	Action Memorandum: Determination of Threat to Public Health or Welfare or the Environ- ment at the Lockformer Company Site (PORTIONS OF THIS DOCUMENT HAVE BEEN REDACTED)	16



ATTACHMENT B

LIABILITY FILE INDEX

1. 10/27/2000 Illinois Secretary of State Corporate Record; The Lockformer Company
2. 01/22/2001 Agreed Order and Preliminary Injunction With Defendant Lockformer
3. 12/31/2000 Dun & Bradstreet Inc. Report Met-Coil Systems Corporation
4. 12/31/2000 Dun & Bradstreet Inc. Report Lockformer Company

bcc: Docket Analyst, ORC (C-14J)  
Tom Krueger, ORC (C-14J)  
Steve Faryan, (SE-5J)  
John Maritote, EESS (SE-5J)  
Carol Ropski, EESS (SE-5J)  
Fushi Cai, EESS (SE-5J)  
Denise Battaglia, Public Affairs (P-19J) w/out attachments  
Michael T. Chezik, Department of Interior  
Tony Audia, PAAS (MF-10J)  
Records Center (SMR-7J)  
ERB Read File